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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,
10 Plaintiff,
11 v.
12 Mark Anthony Rissi,
13 Defendant.
14

No. CR-22-01283-001-PHX-DWL
ORDER

15 On August 28, 2023, the Court sentenced Defendant Mark Rissi (“Rissi”) to 30
16 months’ imprisonment. (Doc. 55.) During the sentencing hearing, defense counsel asked
17 that Rissi be allowed “to report [to prison] as opposed to being taken into custody today”
18 in light of Rissi’s various medical issues, including an upcoming surgical procedure “for a
19 titanium rod that’s in his back that apparently has . . . become detached.” (Doc. 61 at 14.)
20 Counsel added: “Based on what his doctors have informed him as far as post-op necessities,
21 with regards to getting him to where he could report, we’d request of the court 120 days.”
22 (*Id.* at 46.) The government, in turn, stated that it did not oppose Rissi’s self-surrender
23 request. (*Id.*) Accordingly, the Court set a self-reporting deadline of January 8, 2024. (*Id.*
24 at 46-47.)

25 On December 26, 2023, Rissi (through counsel) filed a motion for a further 75-day
26 extension of the self-reporting deadline. (Doc. 63.) The motion explained in relevant part
27 that “Rissi recently required surgery which took place on December 21, 2023” in Iowa;
28 that “Rissi is scheduled to receive post-operative care for this condition during the month

1 of January” and “currently has a follow-up appointment scheduled with his doctor on
2 January 19, 2024”; and that “Rissi’s doctor has advised him that he may need a follow-up
3 surgical procedure which may run his care into February of 2024.” (*Id.* at 1-2.) That same
4 day, the government filed a response seeking “more information about the bases for
5 Defendant’s request, such as the medical necessity and timing of the medical procedures
6 and care described in Defendant’s motion.” (Doc. 64.)

7 On December 27, 2023, the Court issued an order denying Rissi’s extension request
8 without prejudice. (Doc. 65.) It provided: “Although the Court appreciates the difficulty
9 that defense counsel may be encountering in obtaining medical documentation, the motion
10 does not provide sufficient details about the medical condition giving rise to the request,
11 the surgery on December 21, 2023, or the potential need for follow-up surgery. As a result,
12 the Court is unable to properly evaluate whether an additional extension of the self-
13 surrender date is warranted. [Rissi] may, if he so chooses, file a renewed extension request
14 that addresses and substantiates these points in more detail.” (*Id.*)

15 On January 2, 2024, Rissi filed a renewed motion for a 75-day extension of the self-
16 reporting date. (Doc. 66.) Rissi has also filed, under seal, various medical records in
17 support of that request. (Docs. 71, 75 [orders granting sealing requests]; Docs. 72, 76
18 [sealed medical records].) The Court can state, without unnecessarily revealing any of
19 Rissi’s private medical information, that Rissi was seen by medical doctors in November
20 and December 2023 for two separate (and significant) medical issues, both of which are
21 unrelated to the back issue mentioned during the sentencing hearing and both of which
22 require surgery; that Rissi underwent surgery for the first new medical issue on December
23 21, 2023; that Rissi’s recovery and follow-up care for that surgery will likely extend into
24 March 2024; that Rissi was originally scheduled to undergo a separate surgery in December
25 2023 for the other new medical issue, but it had to be delayed until he recovered from the
26 other surgery; that Rissi is now scheduled to undergo surgery for the other new medical
27 issue in January 2024; and that Rissi’s recovery and follow-up care for the upcoming
28 surgery will likely extend into February 2024.

1 After Rissi filed his renewed motion and some but not all of the supporting medical
2 records, the government filed a response. (Doc. 70.) The government argues that Rissi's
3 renewed motion should be denied because "the supporting documentation provide[s]
4 insufficient detail to address the points raised by the Court [in the December 27, 2023
5 order]. In particular, the motion fails to specify the course of medically necessary
6 treatment, the need for medical treatment or care outside of the custody of the Bureau of
7 Prisons, or details sufficient to substantiate the described claims. The government would
8 not object to Defendant submitting this medical documentation to the Court on an *ex parte*
9 basis for the Court to conduct an inquiry as appropriate. Further, the government can make
10 itself available for a hearing. One victim in the case has informed the government that the
11 victim opposes an extension of Defendant's self-surrender date based on information
12 provided by the Defendant in public filings." (*Id.* at 2.)

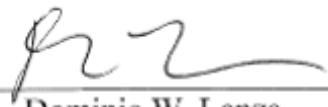
13 The Court concludes that Rissi has now submitted sufficient information to justify
14 a further 75-day extension of the self-reporting period. The Court does not reach this
15 conclusion lightly, particularly given the views of the victim and the acute need for
16 deterrence in this case, but more harm than good would come from forcing Rissi to self-
17 report to prison just days before he is scheduled to undergo a very serious surgical
18 procedure (and while in a weakened state from another, also significant surgical
19 procedure). *Cf. United States v. Cervantes*, 2019 WL 5691927, *1 (W.D. Va. 2019)
20 ("Cervantes was allowed by the court to self-report to the prison facility designed by the
21 Bureau of Prisons. The day after his sentencing, on January 10, 2019, he had a heart
22 catheterization procedure, which showed that he had severe coronary artery disease and a
23 possible need for surgery. His counsel requested a delay in reporting, which was granted.
24 Following coronary artery bypass surgery on March 4, 2019, the report date was again
25 extended by the court to not earlier than July 5, 2019, to allow Cervantes to complete nine
26 weeks of cardiac rehabilitation sessions. Additional rehabilitation was required, and a
27 further extension was granted by the court to not earlier than October 5, 2019."); *United*
28 *States v. Sheppard*, 2023 WL 6847010, *2 (D.D.C. 2023) ("[I]n [*United States v. Allan*], a

1 defendant sentenced to 21 months in prison received an extension of time to self-report so
2 that he could get a surgery that was canceled when he tested positive for COVID-19.”).

3 Accordingly,

4 **IT IS ORDERED** that Rissi’s renewed motion to extend the self-reporting date
5 (Doc. 66) is **granted**. Rissi shall self-surrender for service of sentence at the institution
6 designated by the Bureau of Prisons or to the United States Marshal by 12:00 PM on March
7 25, 2024.

8 Dated this 4th day of January, 2024.

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13 Dominic W. Lanza
14 United States District Judge
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